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PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

Addendum

The present document contains the information received from the Government of Thailand.

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THAILAND

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Information paper on the prevention of traffic in persons and the exploitation of the prostitution of others*

1. Prostitution, often considered to be one of the oldest professions in the world, is not a modern phenomenon nor is it confined to any one particular society. It is an omnipresent problem that has existed in all civilizations throughout history, and can be found today in all societies, affluent or otherwise.

2. In the twentieth century, however, the problem of prostitution seems to be more pronounced in developing countries. A growing number of persons in developing countries have resorted to prostitution as a means to earn a living, due to a variety of complex socio-economic problems that cannot be completely solved without the sympathy and the understanding of society. Given the modern conveniences of overseas travel, the existing demand for the services of prostitutes and the relatively high payment in return for sexual favours of prostitutes in developed and some developing countries, women from developing countries are constantly being lured into the international sex trade, becoming prey to and victims of syndicates whose networks and operations transcend national boundaries.

3. Despite progress achieved in the area of economic development and the relatively high rate of literacy in Thailand, the problem of prostitution still persists and, along with the AIDS problem, is considered to be one of the biggest social problems facing the country. Studies undertaken by Thai authorities indicate that poverty and under-education are the most compelling reasons for the decision to engage in prostitution. Given the fact that some 78 per cent of the rural Thai population are either employed in the low-income earning agricultural sector or make a living as low-skilled labourers, thus facing the challenge of making ends meet on a daily basis, women and children are often compelled to look for work to supplement their family income. Since many of them are under-educated and do not have the necessary skills and training to seek normal employment, a number of them find prostitution to be a convenient and financially rewarding form of employment and a tempting alternative to poverty. A host of socio-economic factors appear to lie at the root of the problem. At the macro-economic level, for instance, the prevailing depressed prices for primary commodities in the world market, uneven distribution of wealth and high unemployment rate in certain sectors of the rural economy have given rise to situations of extreme economic hardship for the rural population. Without adequate employment opportunities in the rural areas members of rural families migrate to the city to seek employment,

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* Information contained herein has been furnished by the Ministry of Interior (Department of Labour, the Royal Thai Police Department and the Public Welfare Department), the National Youth Bureau and the National Committee for the Promotion and Coordination of Women of Thailand. Translations from documents in the Thai language into English are unofficial.

leading to the breaking up of the family unit and the moral values and self-respect that have been traditionally cultivated and nurtured at the family level.

4. In Thailand, attempts to solve the problems of prostitution, the exploitation of prostitutes and the traffic in women and children have been launched at all fronts. Successive Governments of Thailand continue to tackle these problems through legislative actions, law enforcement activities and a variety of socially oriented programmes. In so doing, they have increasingly sought and received active cooperation from local and foreign private organizations.

5. Within the Thai legal system, there exists a number of legislations which are designed to prevent the traffic and the exploitation of women and children for sexual purposes. Those that are directly designed to deal with the problem include the following:

(a) The Sale of Women and Children Act of B.E. 2471 (1928), which is still in force today, prohibits the bringing into and the taking out of Thailand women and children for the purposes of prostitution;

(b) The Immigration Act of B.E. 2522 (1979) which, inter alia, prohibits entry into the Kingdom of Thailand of foreigners who are deemed, on reasonable grounds, to be motivated to enter the Kingdom for the purposes of engaging in prostitution or in the trafficking in women and children. It also authorizes the withdrawal of stay permits of foreigners residing in the Kingdom who are suspected of engaging in prostitution or in the trafficking in women and children;

(c) The (8th) Amendment of the Criminal Procedure Code of B.E. 2530 (1987) is one of the most important legal instruments for the prevention and suppression of trafficking in women and children, and is directed specifically at the suppression of those who are engaged in the traffic in women and children, the exploitation of prostitutes and the traffic in sex-related paraphernalia. Those who are found to encourage others into prostitution, whether by inducement, trickery or use of force, face imprisonment of up to a maximum of 10 years and/or a fine up to 20,000 Baht (approximately $US 800). Punishments are heavier if the victim induced, lured or forced into prostitution is under 18 years of age, and increase with the decreasing age of the victim. Parents involved in selling their children also face punishment under the law while the act of engaging in sexual intercourse with persons under 15 years of age has also been made illegal;

(d) The Prohibition of Prostitution Act of B.E. 2503 (1960) provides for the punishment of all persons involved in the business of prostitution, except the client of the prostitute.

6. Legislation that indirectly prohibits the trafficking in persons and the exploitation of women and children includes the following:

(a) Entertainment Establishments Act of B.E. 2509 (1966) does not authorize those who apply to establish entertainment places to make prostitution available on the premises of the establishment. It also defines

the attributes of those who are eligible to apply for the establishment of entertainment places, to exclude those who have been convicted of sex-related offences, or for breaking laws contained in the Sale of Women and Children Act and Prohibition of Prostitution Act;

(b) The Ministry of Interior Announcement of 18 January 1990 relating to the protection of child labour, apart from raising the minimum age of employment to 13 years also prohibits employees from employing children between the ages of 13 and 18 to work in dance halls, massage parlours, or in certain adult establishments where escorts and partners are employed.

7. Policies developed by the Royal Thai Government have become comprehensive in scope, incorporating both short-term and long-term measures. These policies are currently found within the coordinated plan of action to prevent and to solve the problem of prostitution devised by the National Committee for the Promotion and Coordination of Women of Thailand.

8. Short-term measures undertaken by the Royal Thai Government include, inter alia, prevention through discouragement; encouragement of the private sector, local and foreign private organizations and the media to monitor incidents of prostitution, traffic in women and children and exploitation of the prostitution of others; public education programmes to inculcate in women the fact that prostitution is not the only alternative to making a living; intensification of law enforcement, particularly in the suppression of those who exploit prostitutes or traffic in women and children; launching of vocational training programmes for women, children and prostitutes; and rehabilitation programmes for prostitutes designed to foster their return to society. Efforts are currently being undertaken to introduce or amend existing legislation relating directly or indirectly to the problem of prostitution, traffic in women and children and the exploitation of the prostitution of others.

9. Long-term measures are geared towards increasing the level of compulsory education, the availability of primary education in rural areas, the minimum employment age, and the protection of child labour. In addition, the Royal Thai Government has undertaken to adopt policies aimed at a more equitable distribution of income, particularly to the rural areas, job creation programmes and raising public consciousness of the problem.

10. To ensure the successful implementation of these policies, Thai agencies concerned, including the Labour Department, the Royal Thai Police Department and the Department of Public Welfare of the Ministry of Interior of Thailand have attached high priority to the prevention and suppression of prostitution, particularly child prostitution and those who exploit prostitutes. The Royal Thai Police Department, for example, has impressed upon law enforcement officers that the purpose of arresting prostitutes is not to put on record the number of prostitutes arrested, but rather to seek the cooperation of the prostitutes in bringing pimps and racketeers to justice. The Public Welfare Department, apart from preventive activities and providing welfare and counselling to women and children in order to prevent them from engaging in or turning back to prostitution, have also taken on the additional responsibility of cooperating with the authorities concerned in investigating alleged incidents of traffic in women and children. For example, in February of 1989,

the Public Welfare Department was instrumental in investigating and bringing to justice two Western foreigners who had organized sex tours involving children.

11. The National Youth Bureau and the National Committee for the Promotion and Coordination of Women of Thailand have been playing a lead role in examining and analysing the problem of prostitution and the traffic in women and children, and providing the Royal Thai Government with policy recommendations and views on policy coordination.

12. In view of the current AIDS problem, the international sex trade can be regarded as a vehicle for the spreading of the virus, threatening the health of the international community. It is therefore incumbent upon the international community to address the problem of prostitution in a comprehensive manner, addressing the problem not only from a legal or human rights angle but also from the socio-economic and psychological perspectives.

13. Thailand is pleased that the main theme to be singled out for attention at the sixteenth session of the Working Group on Contemporary Forms of Slavery concerns the prevention of traffic in persons and the exploitation of the prostitution of others, since it is a timely issue that needs to be addressed systematically and comprehensively at the international level. The Royal Thai Government appreciates the opportunity to provide the Working Group with information concerning the views and the efforts of the Royal Thai Government in addressing this problem.